

**Notice of Allowability**

Application No.

10/824,758

Examiner

MUHAMMAD N. EDUN

Applicant(s)

ARAI ET AL.

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on 05/24/07.
2. ☒ The allowed claim(s) is/are 8-13, 21, 27-30 and 36.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of species of Fig. 1 (directed to claims 8-13, 21, 27-30 and 36) in the reply filed on 05/24/07 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

This application is in condition for allowance except for the presence of claims 1-7, 14-20, 22-26, 31-35 and 37 directed to species non-elected without traverse, as noted above. Accordingly, claims 1-7, 14-20, 22-26, 31-35 and 37 will be cancelled, see Examiner's Amendment below.

## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

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1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

**In The Claims**

Cancel claims 1-7, 14-20, 22-26, 31-35 and 37.

***Prior Art Citation***

**The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.**

Katayama (US 2002/0181366) and Arai et al. (US 2002/0008513), both disclose an optical disk apparatus having an objective optical element with a specific structure relating to the wavelength of light beam and optical disk.

*Reasons For Allowance*

**The following is an Examiner's Statement of Reasons for Allowance:**

The prior art of record alone or in combination does not teach or suggest the objective optical element for an optical pickup for recording and reproducing information to a first and second optical information recording medium having the specific structure and function that include converging a light beam having a wavelength  $\lambda_1$  ( $640 \text{ nm} \leq \lambda_1 \leq 670 \text{ nm}$ ) on an information recording surface of the first optical information recording medium having a protective substrate thickness  $t_1$  ( $t_1 = 0.6 \text{ mm}$ ), and by converging a light beam having a wavelength  $\lambda$  ( $400 \text{ nm} \leq \lambda \leq 415 \text{ nm}$ ) on an information recording surface of the second optical information recording medium having a protective substrate thickness  $t_2$  ( $t_2 = 0.6 \text{ mm}$ ); wherein an optical system magnification  $m_2$  of the objective optical element to the light beam having the wavelength  $\lambda_2$  satisfies a relation of  $|m_2| < 0.01$ , and wherein an optical system magnification  $m_1$  of the objective optical element to the light beam having the wavelength  $\lambda_1$  satisfies a relation of  $-1/20 \leq m_1 \leq 1/200$ , as set forth in claims 8-13, 21, 27-30 and 36.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUHAMMAD N. EDUN whose telephone number is 571-272-7617. The examiner can normally be reached on FLEXITIME.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**MUHAMMAD N EDUN**  
*Primary Examiner*  
**Art Unit 2627**